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EXAMINER

SHECHTMAN, SEAN P

ART UNIT PAPER NUMBER

2125

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/671,113

Applicant(s)

WEDER, DONALD E.

Examiner

Sean P. Shechtman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/25/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-68 are presented for examination.

#### *Information Disclosure Statement*

2. The information disclosure statement filed 9/25/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

#### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 7, elements 344a, 356a, 55a, 332, 346.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 7, elements 78a, 85a, 94a, 124a, 120a.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "90a" has been used to designate both a computer and what appears to be some portion of a female die.
6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s): an identifier that comprises a watermark, hallmark, logo, text, word, name, symbol, device, graphic, picture, seal, hologram, color code, magnetic

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code, chemical tag, nanobarcode, DNA tracer, stacked symbology, matrix symbology, or combinations thereof including combinations with a bar code (for example, claim 2); an identifier that comprises an inscribed stamp, photo-luminescent dye, IR up-converter crystals, nanoparticles, laser light, magnetic ink, metallic ink, printing ink, color ink, DNA, chemical infusion, or combinations thereof (for example, claim 3); sheet information indicative of the source, shape, dimension, coloring, pattern, material, bonding material, structural feature, potential use, or combinations thereof, of the sheet of material (for example, claim 5); sheet information comprising encrypted data, and wherein the monitoring system is able to decode the encrypted data using predetermined decodation rules (for example, claim 6); the output signal path is a communication link selected from the group consisting of internet connections, intranet connections, cables, buses, cable network modems, telephone links, network connections, airway links, satellite links, radio links, local area networks, wide area networks, point-to-point shared and dedicated communications, infra-red links, microwave links, CATV links, fibre-optic links, and combinations thereof (for example, claim 10); interpreting the sheet information by a computer remote from the article forming system (for example, claim 11); a device selected from the group consisting of telephones, computers, faxes, remote controls, keyboards, keypads, mice, joysticks, and combinations thereof (for example, claim 17); the input signal path is a communication link selected from the group consisting of internet connections, intranet connections, cables, buses, cable network modems, telephone links, network connections, airway links, satellite links, radio links, local area networks, wide area networks, point-to-point shared and dedicated communications, infra-red links, microwave links, CATV links, fibre-optic links, and combinations thereof (for example, claim 18); displaying an image of at least a portion of the

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sheet of material (for example, claim 21); wherein the image comprises an image of the identifier (for example, claim 23); the photographic device is selected from the group consisting of video cameras, photographic cameras, digital cameras, image scanners, charge couple devices, and combinations thereof (for example, claim 24); the display device is selected from the group consisting of televisions, monitors, LCDs, flat screens, printers, copiers, photographic film, and combinations thereof (for example, claim 25); the photographic device is a digital or video camera and the display device is a television or monitor (for example, claim 26); the recording device is selected from the group consisting of video cassette recorders, digital video disk burners, magnetic disk drives, photographic cameras, digital cameras, optical disk drives, hard disk drives, printers, copiers, and combinations thereof (for example, claim 29); the storage medium is selected from the group consisting of video cassettes, digital video disks, magnetic disks, photographic film, flash memory cards, compact disks, hard disks, paper, and combinations thereof (for example, claim 30); the reading mechanism of the monitoring system is positioned remote from the forming device of the article forming system (for example, claim 60); the reading mechanism of the monitoring system is positioned on the forming device of the article forming system (for example, claim 61); the reading mechanism of the monitoring system is positioned within the forming device of the article forming system (for example, claim 62); selling and delivering the sheet of material to a producer or seller of the article formed from the sheet of material (for example, claim 66). No new matter should be entered.

7. The examiner has provided a number of examples of the drawing deficiencies above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as

examples of deficiencies and should make all the necessary corrections to eliminate the drawing objections.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

8. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim. A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim (See for example claims 11 and 12). It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, 64, 65, recites the limitation "the operation of an article forming system" in lines 1-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, 31, 64, 65, 66 recites the limitation "the presence or absence of an identifier" line lines 1-10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1, 31, 64, 65, 66 recites the limitation "the identity and/or characteristics of the sheet of material" line lines 1-10. There is insufficient antecedent basis for this limitation in the claim.

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Referring to claims 1, 31, 64, 65, it is unclear what is performed when the sheet of material is absent an identifier.

Referring to claims 7, 37, it is unclear what the result is based on. For purposes of examination, it will be assumed that the result is "based on at least one of...".

Claim 7, 37 recites the limitation "the category" in lines 1-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 20, 49 recites the limitation "the sheets of material" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 31, 66 recites the limitation "the operation of an article forming system" in lines 10-20. There is insufficient antecedent basis for this limitation in the claim.

Claim 63 is unclear, for example, what is performed when the sheet of material is absent an identifier.

Claim 65 recites the limitation "the sheet information encoded" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 66 recites the limitation "the modification of the operation" in line 10-20. There is insufficient antecedent basis for this limitation in the claim.

Claim 66 provides for the use of a sheet of material in forming an article, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 66 provides for the use of a controlled article forming system, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process



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applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Due to the number of 35 USC § 112 rejections, the examiner has provided a number of examples of the claim deficiencies in the above rejections, however, the list of rejections may not be all inclusive. Applicant should refer to these rejections as examples of deficiencies and should make all the necessary corrections to eliminate the 35 USC § 112 problems and place the claims in proper format.

Due to the vagueness and a lack of clear definition of the terminology and phrases used in the specification and claims, the claims have been treated on their merits as best understood by the examiner.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 65 is rejected under 35 U.S.C. 101 because the claim is directed to an abstract idea rather than a practical application of the idea, since it does not produce a tangible result.

Outputting a signal is a thought or computation within a computer and is not a tangible result.

It's not until it is applied in a meaningful way that it becomes a real world result rather than an abstraction.

11. Claim 66 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex*

*parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-3, 5, 7-10, 12-14, 19, 21-26, 31-33, 35, 37-45, 50-54, 59, 61-64, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,097,427 to Dey et al (hereinafter referred to as Dey).

Referring to claims 1, 31, 63, 64, Dey teaches a method and system for controlling the operation of an article forming system, the article forming system having a forming device for forming a sheet of material into an article having a predetermined shape and an inner space (whole document) comprising:

determining the presence *or* absence of an identifier on *or* in the sheet of material via a monitoring system (Col. 17, claim 16), wherein the identifier encodes *or* comprises sheet information regarding the identity or characteristics of the sheet of material (Col. 13, lines 1-13; Col. 17, claim 17);

reading the identifier of the sheet of material via the monitoring system to obtain *or* interpret the sheet information from the identifier when the identifier is present on *or* in the sheet of material (Col. 13, lines 1-13); and

outputting a signal to modifying the operation of the article forming system when the sheet information obtained *or* interpreted from the identifier indicates that the sheet of material falls outside of a predetermined category, *or* when the sheet of material is absent an identifier (Fig. 14; Col. 10, lines 55-62; Col. 17, claims 19-20).

Referring to claims 2, 32, Dey teaches the method of claim 1, wherein in the step of determining the presence *or* absence of an identifier, the identifier comprises *at least one of* a bar code (Col. 17, claim 17), watermark, hallmark, logo, text, word, name, symbol, device, graphic, picture, seal, hologram, color code, magnetic code, chemical tag, nanobarcode, DNA tracer, stacked symbology, matrix symbology, or combinations thereof.

Referring to claims 3, 33, Dey teaches the method of claim 2, wherein the identifier further comprises at least one of an inscribed stamp, photo-luminescent dye, IR up-converter crystals, nanoparticles, laser light, magnetic ink, metallic ink, printing ink (Col. 17, claim 17), color ink, DNA, chemical infusion, or combinations thereof.

Referring to claims 5, 35, Dey teaches the method of claim 1, wherein in the step of determining the presence or absence of an identifier, the sheet information is indicative of at least one of the source, shape, dimension, coloring, pattern, material, bonding material, structural feature, potential use, or combinations thereof, of the sheet of material (Col. 16-Col. 17, claims 12-19).

Referring to claims 7, 37, Dey teaches the method of claim 1, wherein in the step of modifying the operation of the article forming system, the monitoring system outputs a result based on the determination of the presence or absence of the identifier on or in the sheet of material, the sheet information read from the identifier, the category, the relation of the sheet of material to the category, or combinations thereof (Fig. 14; Col. 10, lines 55-62; Col. 17, claims 19-20).

Referring to claims 8, 38, Dey teaches the method of claim 7, wherein the result outputted by the monitoring system comprises an accept signal indicating that the sheet of material falls within the category, or a reject signal indicating the absence of the identifier or that the sheet of material falls outside of the category (Col. 13, lines 1-13).

Referring to claims 9, 39, Dey teaches the method of claim 7, wherein the result is outputted by the monitoring system via an output signal path to at least one computer (Col. 8, lines 43-55).

Referring to claims 10, 40, 45, Dey teaches the method of claim 9, wherein the output signal path is a communication link selected from the group consisting of internet connections, intranet connections, cables, buses, cable network modems, telephone links, network connections, airway links, satellite links, radio links, local area networks, wide area networks, point-to-point shared and dedicated communications, infra-red links, microwave links, CATV links, fibre-optic links, and combinations thereof (Col. 13, lines 23-34).

Referring to claims 12, 42, Dey teaches the method of claim 8, wherein when the monitoring system outputs the reject signal, the step of modifying the operation of the article

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forming system comprises disabling the operation of the article forming system (Col. 16, claim 8).

Referring to claims 13, 43, Dey teaches the method of claim 12, wherein the monitoring system further outputs a disablement signal when the article forming system is disabled (Col. 13, lines 48- Col. 14, line 12).

Referring to claims 14, 44, Dey teaches the method of claim 13, wherein the disablement signal is outputted by the monitoring system via the output signal path to at least one computer (Fig. 14).

Referring to claims 19, 41, Dey teaches the method of claim 1, wherein the step of modifying the operation of the article forming system comprises altering the operating conditions of the article forming system (Fig. 14; Col. 10, lines 55-62; Col. 17, claims 19-20).

Referring to claims 21, 50, Dey teaches the method of claim 1, wherein in the step of determining the presence or absence of an identifier, the monitoring system further comprises a display mechanism for displaying an image of at least a portion of the sheet of material (Col. 13, lines 60 - Col. 14, line 12).

Referring to claims 22, 51, Dey teaches the method of claim 21, wherein the display mechanism comprises a photographic device and a display device, wherein the photographic device generates the image and communicates the image to the display device for visually displaying the image (Cols. 13-14).

Referring to claims 23, Dey teaches the method of claim 22 wherein the image comprises an image of the identifier (Cols. 13-14).

Referring to claims 24, 52, Dey teaches the method of claim 22, wherein the photographic device is selected from the group consisting of video cameras, photographic cameras, digital cameras, image scanners, charge couple devices, and combinations thereof (Cols. 13-14).

Referring to claims 25, 53, Dey teaches the method of claim 22, wherein the display device is selected from the group consisting of televisions, monitors, LCDs, flat screens, printers, copiers, photographic film, and combinations thereof (Cols. 13-14).

Referring to claims 26, 54, Dey teaches the method of claim 22, wherein the photographic device is a digital or video camera and the display device is a television or monitor (Cols. 13-14).

Referring to claims 59, 61, 62, Dey teaches the controlled article forming system of claim 31, wherein the reading mechanism of the monitoring system is positioned adjacent, on, within to the forming device of the article forming system (Fig. 2; Col. 11, lines 5-23).

13. Claims 1-68 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,904,330 to Popp et al (hereinafter referred to as Popp).

Referring to claims 1, 31, 63, 64, Popp teaches a method and system for controlling the operation of an article forming system, the article forming system having a forming device for forming a sheet of material into an article having a predetermined shape and an inner space (whole document) comprising: determining the presence *or* absence of an identifier on *or* in the sheet of material via a monitoring system, wherein the identifier encodes *or* comprises sheet information regarding the identity or characteristics of the sheet of material (Col. 24, lines 29-

55); reading the identifier of the sheet of material via the monitoring system to obtain *or* interpret the sheet information from the identifier when the identifier is present on *or* in the sheet of material (Col. 18, line 59 – Col. 20, line 20); and outputting a signal to modifying the operation of the article forming system when the sheet information obtained *or* interpreted from the identifier indicates that the sheet of material falls outside of a predetermined category, *or* when the sheet of material is absent an identifier (Col. 20, line 21 – Col. 21, line 12).

Referring to claims 2, 32, Popp teaches the method of claim 1, wherein in the step of determining the presence *or* absence of an identifier, the identifier comprises *at least one of* a bar code, watermark, hallmark, logo, text, word, name, symbol, device, graphic, picture, seal, hologram, color code, magnetic code, chemical tag, nanobarcode, DNA tracer, stacked symbology, matrix symbology, or combinations thereof. Referring to claims 3, 33, Popp teaches the method of claim 2, wherein the identifier further comprises at least one of an inscribed stamp, photo-luminescent dye, IR up-converter crystals, nanoparticles, laser light, magnetic ink, metallic ink, printing ink, color ink, DNA, chemical infusion, or combinations thereof. Referring to claims 5, 35, Popp teaches the method of claim 1, wherein in the step of determining the presence or absence of an identifier, the sheet information is indicative of at least one of the source, shape, dimension, coloring, pattern, material, bonding material, structural feature, potential use, or combinations thereof, of the sheet of material. Referring to claims 7, 37, Popp teaches the method of claim 1, wherein in the step of modifying the operation of the article forming system, the monitoring system outputs a result based on the determination of the presence or absence of the identifier on or in the sheet of material, the sheet information read from the identifier, the category, the relation of the sheet of material to the category, or

combinations thereof. Referring to claims 8, 38, Popp teaches the method of claim 7, wherein the result outputted by the monitoring system comprises an accept signal indicating that the sheet of material falls within the category, or a reject signal indicating the absence of the identifier or that the sheet of material falls outside of the category. Referring to claims 9, 39, Popp teaches the method of claim 7, wherein the result is outputted by the monitoring system via an output signal path to at least one computer. Referring to claims 10, 40, 45, Popp teaches the method of claim 9, wherein the output signal path is a communication link selected from the group consisting of internet connections, intranet connections, cables, buses, cable network modems, telephone links, network connections, airway links, satellite links, radio links, local area networks, wide area networks, point-to-point shared and dedicated communications, infra-red links, microwave links, CATV links, fibre-optic links, and combinations thereof. Referring to claims 12, 42, Popp teaches the method of claim 8, wherein when the monitoring system outputs the reject signal, the step of modifying the operation of the article forming system comprises disabling the operation of the article forming system. Referring to claims 13, 43, Popp teaches the method of claim 12, wherein the monitoring system further outputs a disablement signal when the article forming system is disabled. Referring to claims 14, 44, Popp teaches the method of claim 13, wherein the disablement signal is outputted by the monitoring system via the output signal path to at least one computer. Referring to claims 19, 41, Popp teaches the method of claim 1, wherein the step of modifying the operation of the article forming system comprises altering the operating conditions of the article forming system. Referring to claims 21, 50, Popp teaches the method of claim 1, wherein in the step of determining the presence or absence of an identifier, the monitoring system further comprises a display mechanism for



displaying an image of at least a portion of the sheet of material. Referring to claims 22, 51, Popp teaches the method of claim 21, wherein the display mechanism comprises a photographic device and a display device, wherein the photographic device generates the image and communicates the image to the display device for visually displaying the image. Referring to claims 23, Popp teaches the method of claim 22 wherein the image comprises an image of the identifier. Referring to claims 24, 52, Popp teaches the method of claim 22, wherein the photographic device is selected from the group consisting of video cameras, photographic cameras, digital cameras, image scanners, charge couple devices, and combinations thereof. Referring to claims 25, 53, Popp teaches the method of claim 22, wherein the display device is selected from the group consisting of televisions, monitors, LCDs, flat screens, printers, copiers, photographic film, and combinations thereof. Referring to claims 26, 54, Popp teaches the method of claim 22, wherein the photographic device is a digital or video camera and the display device is a television or monitor. Referring to claims 59, 61, 62, Popp teaches the controlled article forming system of claim 31, wherein the reading mechanism of the monitoring system is positioned adjacent, on, within to the forming device of the article forming system. Referring to claims 4, 34, the monitoring system comprises at least one bar code scanner; referring to claims 6, 36, wherein the sheet information comprises encrypted data, and wherein the monitoring system is able to decode the encrypted data using predetermined decodation rules; referring to claims 11, 65, 66, wherein the step of interpreting the sheet information is performed by a computer remote from the article forming system or that the computer is remotely located from the article forming system or selling the sheet of material to a producer or seller of the article; referring to claims 15, 46, the additional step of re-enabling the article forming system after the

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article forming system has been disabled; referring to claims 16, 47, the step of re-enabling the article forming system comprises providing a predetermined enable instruction to the monitoring system; referring to claims 17, 48, wherein the predetermined enable instruction is provided to the monitoring system via an input signal path from at least one device selected from the group consisting of telephones, computers, faxes, remote controls, keyboards, keypads, mice, joysticks, and combinations thereof; referring to claims 18, wherein the input signal path is a communication link selected from the group consisting of internet connections, intranet connections, cables, buses, cable network modems, telephone links, network connections, airway links, satellite links, radio links, local area networks, wide area networks, point-to-point shared and dedicated communications, infra-red links, microwave links, CATV links, fibre-optic links, and combinations thereof; referring to claims 20, 49, the additional step of counting at least a portion of the sheets of material and outputting a signal indicative of the count; referring to claims 27, 55, wherein the monitoring system further comprises a recording mechanism for recording at least a portion of the image generated by the photographic device; referring to claims 28, 56, wherein the recording mechanism comprises a recording device which records the image on a storage medium; referring to claims 29, 57, wherein the recording device is selected from the group consisting of video cassette recorders, digital video disk burners, magnetic disk drives, photographic cameras, digital cameras, optical disk drives, hard disk drives, printers, copiers, and combinations thereof; referring to claims 30, 58, wherein the storage medium is selected from the group consisting of video cassettes, digital video disks, magnetic disks, photographic film, flash memory cards, compact disks, hard disks, paper, and combinations thereof; referring to claims 60, wherein the reading mechanism of the monitoring system is

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positioned remote from the forming device of the article forming system (Col. 18, line 59 – Col. 20, line 20; Col. 22, lines 25-67; Col. 23, lines 20-58; Col. 24, lines 4-28; Col. 25, lines 21-44; Col. 26, lines 17-31; Col. 27, lines 14-50; Col. 28, lines 59 – Col. 29, line 7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4, 6, 11, 15-18, 20, 27-30, 34, 36, 46-49, 55-58, 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dey as applied to claims 1-3, 5, 7-10, 12-14, 19, 21-26, 31-33, 35, 37-45, 50-54, 63, 64 above, and further in view of U.S. Pat. No. 5,592,561 to Moore.

Referring to claims 65, 66, Dey teaches a method and system for controlling the operation of an article forming system, the article forming system having a forming device for forming a sheet of material into an article having a predetermined shape and an inner space (whole document) comprising: determining the presence *or* absence of an identifier on *or* in the sheet of material via a monitoring system (Col. 17, claim 16), wherein the identifier encodes *or* comprises sheet information regarding the identity or characteristics of the sheet of material (Col. 13, lines 1-13; Col. 17, claim 17); reading the identifier of the sheet of material via the monitoring system to obtain *or* interpret the sheet information from the identifier when the identifier is present on *or* in the sheet of material (Col. 13, lines 1-13); and outputting a signal to modifying the operation of the article forming system when the sheet information obtained *or* interpreted from the identifier indicates that the sheet of material falls outside of a predetermined

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category, *or* when the sheet of material is absent an identifier (Fig. 14; Col. 10, lines 55-62; Col. 17, claims 19-20); delivering the sheet of material to a producer or seller of the article formed from the sheet of material wherein the producer or seller of the article uses the controlled article forming system to form the article from the sheet of material (Col. 1, lines 24- Col. 2, line 40; Cols. 5-6).

Referring to claims 67, Dey teaches the method of claim 1, wherein in the step of determining the presence *or* absence of an identifier, the identifier comprises *at least one of* a bar code (Col. 17, claim 17), watermark, hallmark, logo, text, word, name, symbol, device, graphic, picture, seal, hologram, color code, magnetic code, chemical tag, nanobarcode, DNA tracer, stacked symbology, matrix symbology, or combinations thereof.

Referring to claims 68, Dey teaches the method of claim 1, wherein in the step of determining the presence or absence of an identifier, the sheet information is indicative of at least one of the source, shape, dimension, coloring, pattern, material, bonding material, structural feature, potential use, or combinations thereof, of the sheet of material (Col. 16-Col. 17, claims 12-19).

Dey teaches all of the limitations set forth above, however, fails to teach, referring to claims 4, 34, the monitoring system comprises at least one bar code scanner; referring to claims 6, 36, wherein the sheet information comprises encrypted data, and wherein the monitoring system is able to decode the encrypted data using predetermined decodation rules; referring to claims 11, 65, 66, wherein the step of interpreting the sheet information is performed by a computer remote from the article forming system or that the computer is remotely located from

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the article forming system or selling the sheet of material to a producer or seller of the article; referring to claims 15, 46, the additional step of re-enabling the article forming system after the article forming system has been disabled; referring to claims 16, 47, the step of re-enabling the article forming system comprises providing a predetermined enable instruction to the monitoring system; referring to claims 17, 48, wherein the predetermined enable instruction is provided to the monitoring system via an input signal path from at least one device selected from the group consisting of telephones, computers, faxes, remote controls, keyboards, keypads, mice, joysticks, and combinations thereof; referring to claims 18, wherein the input signal path is a communication link selected from the group consisting of internet connections, intranet connections, cables, buses, cable network modems, telephone links, network connections, airway links, satellite links, radio links, local area networks, wide area networks, point-to-point shared and dedicated communications, infra-red links, microwave links, CATV links, fibre-optic links, and combinations thereof; referring to claims 20, 49, the additional step of counting at least a portion of the sheets of material and outputting a signal indicative of the count; referring to claims 27, 55, wherein the monitoring system further comprises a recording mechanism for recording at least a portion of the image generated by the photographic device; referring to claims 28, 56, wherein the recording mechanism comprises a recording device which records the image on a storage medium; referring to claims 29, 57, wherein the recording device is selected from the group consisting of video cassette recorders, digital video disk burners, magnetic disk drives, photographic cameras, digital cameras, optical disk drives, hard disk drives, printers, copiers, and combinations thereof; referring to claims 30, 58, wherein the storage medium is selected from the group consisting of video cassettes, digital video disks, magnetic disks,

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photographic film, flash memory cards, compact disks, hard disks, paper, and combinations thereof; referring to claims 60, wherein the reading mechanism of the monitoring system is positioned remote from the forming device of the article forming system.

However, Moore teaches analogous art wherein referring to claims 4, 34, the monitoring system comprises at least one bar code scanner; referring to claims 6, 36, wherein the sheet information comprises encrypted data, and wherein the monitoring system is able to decode the encrypted data using predetermined decodation rules; referring to claims 11, 65, 66, wherein the step of interpreting the sheet information is performed by a computer remote from the article forming system or that the computer is remotely located from the article forming system or selling the sheet of material to a producer or seller of the article; referring to claims 15, 46, the additional step of re-enabling the article forming system after the article forming system has been disabled; referring to claims 16, 47, the step of re-enabling the article forming system comprises providing a predetermined enable instruction to the monitoring system; referring to claims 17, 48, wherein the predetermined enable instruction is provided to the monitoring system via an input signal path from at least one device selected from the group consisting of telephones, computers, faxes, remote controls, keyboards, keypads, mice, joysticks, and combinations thereof; referring to claims 18, wherein the input signal path is a communication link selected from the group consisting of internet connections, intranet connections, cables, buses, cable network modems, telephone links, network connections, airway links, satellite links, radio links, local area networks, wide area networks, point-to-point shared and dedicated communications, infra-red links, microwave links, CATV links, fibre-optic links, and combinations thereof;

referring to claims 20, 49, the additional step of counting at least a portion of the sheets of material and outputting a signal indicative of the count; referring to claims 27, 55, wherein the monitoring system further comprises a recording mechanism for recording at least a portion of the image generated by the photographic device; referring to claims 28, 56, wherein the recording mechanism comprises a recording device which records the image on a storage medium; referring to claims 29, 57, wherein the recording device is selected from the group consisting of video cassette recorders, digital video disk burners, magnetic disk drives, photographic cameras, digital cameras, optical disk drives, hard disk drives, printers, copiers, and combinations thereof; referring to claims 30, 58, wherein the storage medium is selected from the group consisting of video cassettes, digital video disks, magnetic disks, photographic film, flash memory cards, compact disks, hard disks, paper, and combinations thereof; referring to claims 60, wherein the reading mechanism of the monitoring system is positioned remote from the forming device of the article forming system (Col. 7, lines 6- Col. 8, line 9; Col. 8, lines 38-63; Col. 9, lines 4-50; Col. 12, lines 1-12; Col. 13, lines 37- Col. 15, lines 21; Col. 17, lines 30-44; Col. 17, lines 53 Col. 18, line 41; Col. 19, line 4-54).

Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the teachings of Dey with the teachings of Moore. One of ordinary skill in the art would have been motivated to combine these references because Moore teaches enabling the marking and controlling the marking of goods during the manufacturing process with a unique mark, symbol, or pattern for subsequent detection to determine such information as the amount of unmarked goods in the market, i.e., counterfeit goods, the source of entry of the unmarked goods, the authenticity of the goods, the product distribution channels for

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the goods, the durability and/or lifetime of the goods, and other information (Col. 1, lines 5-18);

The present invention also provides a method for authenticating consumer goods to reduce the amount of counterfeit goods including entering input data comprising at least a unique owner identifier and/or a unique manufacturer identifier into a CPU, encoding the data in a machine readable format, storing the data in a mass storage device accessible to the CPU, generating a unique pattern incorporating the encoded input data, applying the unique pattern to the goods using an ink formulation comprising one or more chemical agents detectable when exposed to a visible or non-visible frequency range of light, exposing the goods to light in the visible or non-visible frequency range thereby making the pattern detectable, scanning the detectable pattern on the goods, degenerating the pattern to retrieve the encoded input data, decoding the encoded data to retrieve the input data, and comparing the input data against all stored input in the mass storage device data to determine whether the goods are authentic. The present invention also provides an authenticating system including a means for entering input data comprising at least a unique owner identifier and/or a unique manufacturer identifier into a CPU, a means for encoding the data in a machine readable format, a means for storing the data in a mass storage device accessible to the CPU, a means for generating a unique pattern incorporating the encoded input data, a means for applying the unique pattern to the goods using an ink formulation comprising one or more chemical agents detectable when exposed to a non-visible frequency range of light, a means for exposing the goods with light in the non-visible frequency range thereby making the pattern detectable, a means for scanning the detectable pattern on the goods, a means for degenerating the pattern to retrieve the encoded input data, a means for decoding the encoded data to retrieve the input data, and a means for comparing the input data against all



stored input data in the mass storage device to determine whether the goods are authentic. The present invention further provides a method for monitoring goods in a market including generating a unique pattern comprising an encoded input data entry stored on a mass storage device accessible by a CPU where the input data comprises one or more of a unique owner identifier, a unique manufacturer identifier, a unique plant identifier, a unique destination identifier, and time and date information and where the encoded data entry comprises a digital encoding of the input data, applying the unique pattern to the goods using an ink formulation comprising one or more chemical agents detectable when exposed to a visible or non-visible frequency range of light, exposing the goods with light in the visible or non-visible frequency range thereby making the pattern detectable, scanning the detectable pattern on the goods, degenerating the pattern to retrieve the encoded input data entry, and decoding the encoded data to retrieve the input data to confirm shipment data (Cols. 5-6). The system thereby enhances the quality of data gathered by the reader system. This is one of the prime objectives of the present invention. The field reader can be used to scan bills of lading and/or purchase orders so that such documentation can be associated with inspected goods (Col. 22, lines 21-25).

### *Conclusion*

15. The prior art or art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents or publications are cited to further show the state of the art with respect to determining the presence or absence of an identifier on or in the sheet of material via a monitoring system, wherein the identifier encodes or comprises sheet information regarding the identity and/or characteristics of the sheet of material; reading the identifier of the sheet of

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material via the monitoring system to obtain or interpret the sheet information encoded by the identifier of the sheet of material when the identifier is present; and outputting a signal when the sheet information read from the identifier indicates that the sheet of material falls outside of a predetermined category, or when the sheet of material is absent an identifier.

U.S. Pat. No. 4,693,376 to Marion et al.

U.S. Pat. No. 5,359,525 to Weyenberg.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

March 18, 2006

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